

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS HUNTER, NATHANIEL	DEFENDANTS CITY OF PHILADELPHIA
(b) County of Residence of First Listed Plaintiff <u>Delaware</u> (EXCEPT IN U.S. PLAINTIFF CASES)	County of Residence of First Listed Defendant <u>Philadelphia</u> (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.
(c) Attorney's (Firm Name, Address, and Telephone Number) LAW OFFICES OF PATRICK G. GECKLE, LLC, 1845 Walnut Street, Ste. 2300, Phila. PA 19103 - 215-735-3326	Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)	III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)																				
<input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 2 U.S. Government Defendant <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<table style="width:100%;"> <tr> <th style="text-align: left;">PTF</th> <th style="text-align: left;">DEF</th> <th style="text-align: left;">Incorporated or Principal Place of Business In This State</th> <th style="text-align: left;">PTF</th> <th style="text-align: left;">DEF</th> </tr> <tr> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td></td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>	PTF	DEF	Incorporated or Principal Place of Business In This State	PTF	DEF	<input type="checkbox"/> 1	<input type="checkbox"/> 1		<input type="checkbox"/> 4	<input type="checkbox"/> 4	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
PTF	DEF	Incorporated or Principal Place of Business In This State	PTF	DEF																	
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<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																	
<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																	

IV. NATURE OF SUIT (Place an "X" in One Box Only)					
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN (Place an "X" in One Box Only)							
<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment	

VI. CAUSE OF ACTION	Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): <u>42 U.S.C. § 1983</u> Brief description of cause: <u>Plaintiff was denied his constitutional and statutory rights.</u>
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VII. REQUESTED IN COMPLAINT:	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	DEMAND \$ <u>200,000.00</u>	CHECK YES only if demanded in complaint: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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VIII. RELATED CASE(S) IF ANY	(See instructions): JUDGE _____ DOCKET NUMBER _____
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DATE <u>9/7/2011</u>	SIGNATURE OF ATTORNEY OF RECORD
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FOR OFFICE USE ONLY				
RECEIPT # _____	AMOUNT _____	APPLYING IFP _____	JUDGE _____	MAG. JUDGE _____

Patrick G. Geckle, Esquire

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 7084 Ruskin Lane, Upper Darby, PA 19082

Address of Defendant: One Parkway Bldg., Claims Unit, 1515 Arch Street, 14th Floor, Philadelphia, PA 19102-1595

Place of Accident, Incident or Transaction: 334 North Robinson Street, Philadelphia, PA 19139-1124
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☒ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
(Please specify)

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
(Please specify)

ARBITRATION CERTIFICATION

(Check appropriate Category)

I, Patrick G. Geckle, Esquire,, counsel of record do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought.

DATE: 9/7/2011

Attorney-at-Law

26718

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 9/7/2011

Attorney-at-Law

26718

Attorney I.D.#

APPENDIX I

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

NATHANIEL HUNTER	:	CIVIL ACTION
	:	
v	:	
	:	
CITY OF PHILADELPHIA, et al.	:	NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. §2241 through §2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

<u>9/7/2011</u>	<u>Patrick G. Geckle</u>	<u>Nathaniel Hunter</u>
Date	Attorney-at-law	Attorney for Plaintiff
<u>215-735-3326</u>	<u>215-735-4712</u>	<u>pgeckle@pgglaw.com</u>
Telephone	FAX Number	E-Mail Address

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NATHANIEL HUNTER
7084 Ruskin Lane
Upper Darby, PA 19082

vs.

CITY OF PHILADELPHIA
c/o City of Philadelphia Law Department
Claims Unit, One Parkway Building
1515 Arch Street, 14th Floor
Philadelphia, PA 19102-1595

and

POLICE OFFICER DANIEL MASON
BADGE NUMBER 4662
Individually and as a police officer
for the City of Philadelphia
c/o City of Philadelphia Law Department
Claims Unit, One Parkway Building
1515 Arch Street, 14th Floor
Philadelphia, PA 19102-1595

and

POLICE OFFICER CHRISTOPHER LANTZ
BADGE NUMBER
Individually and as a police officer
for the City of Philadelphia
c/o City of Philadelphia Law Department
Claims Unit, One Parkway Building
1515 Arch Street, 14th Floor
Philadelphia, PA 19102-1595

: Civil Action No.

: JURY TRIAL DEMANDED

: Attorney ID # 26718

COMPLAINT

Jurisdiction

1. This action is brought pursuant to 42 U.S.C. §1983. Jurisdiction is based upon 28 U.S.C. §§1331 and 1343 (1), (3), (4) and the aforementioned statutory provision. Plaintiff further invokes the supplemental jurisdiction of this Court pursuant to 28 U.S.C. §1367(a) to hear and adjudicate state law claims.

Parties

2. Plaintiff, Nathaniel Hunter, is a resident of the Commonwealth of Pennsylvania and at all times relevant to this action was present in Philadelphia, Pennsylvania.

3. Defendant, City of Philadelphia, is a municipality of the Commonwealth of Pennsylvania and owns, operates, manages, directs and controls the Philadelphia Police Department which employs Defendants, Police Officer Mason and Police Officer Lantz.

4. Defendant, Police Officer Daniel Mason, Badge Number 4662, is a police officer for the Philadelphia Police Department acting under color of state law. He is being sued in his individual and official capacity.

5. Defendant, Police Officer Christopher Lantz, Badge Number , is a police officer for the Philadelphia Police Department acting under color of state law. He is being sued in his individual and official capacity.

6. At all relevant times, all Defendants were acting in concert and conspiracy and their actions deprived Nathaniel Hunter of his constitutional and statutory rights.

Factual Allegations

7. On or about Monday, April 5, 2010, Plaintiff, Nathaniel Hunter, was walking over to his girlfriend's home after work. Mr. Hunter stopped to talk with some kids he knew on the 300 block of North Robinson Street,

Philadelphia, Pennsylvania. More specifically, he was standing in front of a home at 334 North Robinson Street talking with the kids. The Plaintiff was wearing a white kameese (an Islamic religious garment), a black stocking cap, a kifiyah (scarf), and tan work pants.

8. While standing at the above location, a marked Philadelphia police vehicle pulled up at a location near where the Plaintiff was standing. Two Philadelphia police officers, Defendant Officer Lantz and Defendant Officer Mason exited the vehicle.

9. Defendant Officer Mason approached the Plaintiff with his service weapon drawn and pointing it directly at Plaintiff and screamed at Plaintiff and the other individuals "Nobody fucking move". As the Police Officers approached the Plaintiff, he heard a call come over police radio. The radio call was flash information concerning a "tall black male wearing a black tee shirt with long pants and a book bag."

10. The Defendant Police Officers approached the Plaintiff, had him turn around and place his hands on the porch of 334 North Robinson Street. Defendant Police Officers Lantz and Mason without probable cause, reasonable suspicion, or any reason whatsoever subjected the Plaintiff to a stop and frisk.

11. When Plaintiff inquired why he was being searched,

Defendant Officer Lantz exclaimed "Well, he [another bystander] has a black shirt on and you have a book bag." Plaintiff, Nathaniel Hunter, again asked why he was being searched. The Police Officers became more aggressive towards Mr. Hunter after this second inquiry. Defendant, Police Officer Lantz, continuously shoved Mr. Hunter against the stone porch face first, while threatening to lock Mr. Hunter up. Defendant, Police Officer Mason, got in a few body shots on Mr. Hunter before extending his left arm straight back into an aggressive arm hold.

12. Defendant, Police Officer Mason, then chicken-winged the Plaintiff while placing handcuffs on him. While Police Officer Mason was handcuffing Plaintiff, Police Officer Lantz became angry with Mr. Hunter and slammed his face into a stone pillar on the porch of 334 North Robinson Street. After Plaintiff, Nathaniel Hunter, was placed in handcuffs, Police Officer Lantz performed yet another search while Police Officer Mason held the Plaintiff up by his arms. The second search was performed without any reasonable suspicion or probable cause that Plaintiff had committed or was committing any crime.

13. The second unconstitutional search of Mr. Hunter by Defendant, Police Officer Lantz, uncovered a small caliber gun. The gun was found after Mr. Hunter had been physically restrained by Officer Mason and was also

handcuffed. Upon finding the gun, while the Plaintiff was handcuffed with his hands behind the back, Defendant Police Officer Lantz violently, maliciously, and with reckless indifference struck the Plaintiff at least two times in his face with the gun. Defendant, Police Officer Lantz, called Mr. Hunter a derogatory name each time he punched him. After the physical assault to Mr. Hunter's face, Defendant Police Officer Mason body slammed the handcuffed and subdued Plaintiff to the ground face first.

14. After the assault with the gun, Defendant Police Officer Lantz put his knee on Plaintiff's neck and head. After a few seconds, while Plaintiff was still handcuffed and not resisting; Defendant, Officer Mason, picked Plaintiff up, walked him over to the police car, and then maliciously slammed his body on the back of the police car smashing his face on the rear window.

15. After the above transpired, Plaintiff was transported to the 19th District at 61st and Thompson Street.

16. After a period of time at the 19th District, Plaintiff was then transported to the 18th District Headquarters at 55th and Pine. While at the police station at 55th and Pine, a female officer noticed that Plaintiff was injured and told Defendant Officers Mason and Lantz that their prisoner was injured and needed to be taken to the

hospital.

17. However, rather than take Plaintiff to the hospital, they took him back to their patrol car, placed him in the back of the car and forced him to sit in the patrol car, handcuffed behind his back, for approximately an hour.

18. Finally, two other Philadelphia police officers from the 19th District finally arrived to take the Plaintiff to Mercy Hospital emergency room. After being seen at the Mercy Hospital emergency room, Plaintiff was transported back to the 18th District Police Station where he was processed and then transported to Curran-Fromhold Correctional Facility where he spent approximately two days incarcerated.

19. At no time while the above events transpired did Plaintiff, Nathaniel Hunter, act in anyway which could be considered aggressive or threatening towards the Defendant police officers or to any other individuals. At no time during the above described events did Plaintiff, Nathaniel Hunter, act in anyway which would have caused the Defendant police officers to believe that Mr. Hunter was any kind of a threat to them or to himself or to any other individuals.

20. Defendant Police Officers Lantz and Mason caused the following criminal charges to be filed against the Plaintiff. Possession of a firearm; firearms not be carried without a license; carry firearms in public; resisting

arrest; possession of an instrument of a crime.

21. All of the above mentioned charges were filed without probable cause and done maliciously, willfully, wantonly and recklessly in that Defendant Officers Lantz and Mason knew them to be false.

22. All of the above mentioned criminal charges lodged against the Plaintiff were dismissed.

**FIRST CAUSE OF ACTION
FEDERAL CIVIL RIGHTS VIOLATIONS**

23. Plaintiff, Nathaniel Hunter, incorporates by reference paragraphs 1 through 22 of the instant Complaint.

24. As a direct and proximate result of all Defendants' conduct, committed under color of state law, Plaintiff, Nathaniel Hunter, was deprived of his right to be free from unreasonable and excessive force, an unlawful search and seizure, unlawful arrest, malicious prosecution, to be secure in his person and property and to due process of law. As a result, Plaintiff, Nathaniel Hunter, suffered and continues to suffer harm in violation of his rights under the laws and Constitution of the United States, in particular, the Fourth and Fourteenth Amendments thereof, and 42 U.S.C. §1983.

25. As a direct and proximate result of the acts of all Defendants, Plaintiff, Nathaniel Hunter, sustained physical injuries, emotional harm, loss of liberty and financial losses, all to his detriment and harm.

26. Defendant City of Philadelphia has encouraged, tolerated, ratified and has been deliberately indifferent to the following patterns, practices and customs and to the need for more or different training, supervision, investigation or discipline in the areas of:

- a. The use of unreasonable and excessive force and unlawful arrest by police officers;
- b. The proper exercise of police powers, including but not limited to the unreasonable and excessive use of force, unlawful arrest, malicious prosecutions, unconstitutional stops and searches and violations of citizens' free speech rights, particularly in connection with perceived challenges to police authority;
- c. The monitoring of officers whom it knew or should have known were suffering from emotional and/or psychological problems that impaired their ability to function as officers;
- d. The failure to identify and take remedial or disciplinary action against police officers who were the subject of prior civilian or internal complaints of misconduct;
- e. Police officers' use of their status as

police officers to employ the use of excessive force and unlawful arrest, or to achieve ends not reasonably related to their police duties; and

- f. The failure of police officers to follow established policies, procedures, directives and instructions regarding the use of force and arrest powers under such circumstances as presented herein.

27. The City of Philadelphia failed to properly sanction or discipline officers, who are aware of and conceal and/or aid and abet violations of constitutional rights of citizens by other Philadelphia Police Officers, thereby causing and encouraging Philadelphia police, including the Defendant officers in this case, to violate the rights of citizens such as Plaintiff, Nathaniel Hunter.

28. Defendants have by the above described actions deprived Plaintiff, Nathaniel Hunter, of rights secured by the Fourth and Fourteenth Amendments to the United States Constitution in violation of 42 U.S.C. §1983.

**SECOND CAUSE OF ACTION
SUPPLEMENTAL STATE CLAIMS**

29. Plaintiff, Nathaniel Hunter, incorporates by reference paragraphs 1 through 28 of the instant Complaint.

30. The acts and conduct of the Defendants in this cause of action constitute assault, battery, false

imprisonment, malicious prosecution, and intentional infliction of emotional distress under the laws of the Commonwealth of Pennsylvania, and this Court has supplemental jurisdiction to hear and adjudicate this claims.

WHEREFORE, Plaintiff, Nathaniel Hunter, requests the following relief:

- a. Compensatory damages;
- b. Punitive damages;
- c. Reasonable attorney's fees and costs;
- d. Such other and further relief as appears reasonable and just; and
- e. A jury trial as to each Defendant and as to each count.

PATRICK G. GECKLE, LLC

By: 

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Counsel for Plaintiff



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